

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,766	01/02/2002	Jeffery Tabor	659/919	6310
7590 12/21/2004			EXAMINER	
Robert N. Carpenter BRINKS HOFER GILSON & LIONE			PURVIS, SUE A	
P.O. BOX 10395			ART UNIT	PAPER NUMBER
CHICAGO, IL	60610		1734	
			DATE MAILED: 12/21/2004	1

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/038,766 TABOR ET AL.			Application No.	A mark and (a)				
Examiner Sue A. Pun/s 1734	Office Action Summary			Applicant(s)				
Status New York Superior			10/038,766	TABOR ET AL.				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherwise bit mem page semilated used the previous of 3 CFR 1.13(6). In recent, however, may a reply be smelly flied carbon to the provisions of 3 CFR 1.13(6). In recent, however, may a reply be smelly flied carbon to reply specially allows the previous of 3 CFR 1.13(6). In recent, however, may a reply be smelly flied carbon to reply specially allows the flied that the statistic pool will allow the statistic proposal display with all pages 13(1) days will be considered priorly. If the period for reply specially device, the maximum statistic proposal display will all pages 13(4) MONTHS is mall be mainly dated of the communication. The proposal page 11 of the period for reply specially will by statistic proposal display and all apples 13(4) MONTHS and mainly allowed the communication. The proposal pages 14 of the communication is proposal to consider proposal state the mainly date of the communication. The proposal pages 14 of the communication is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 23.6-8 and 15-21 is fare pending in the application. 4) Of the above claim(s) is a condition for allowance and proposal pages 14 pages		Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Latinasized internally be available under the provisions of 37 CFR 1.136(a). In no event, however, may a mely but family little districts of the communication of the com		The MAN INC DATE AND		1734				
The AviaLLINA CAP E OF THIS COMMUNICATION. The proof of repty appearable endor the provisions of 3 CPR 1.15(6). In or overst, however, may a repty be limity filed The proof for repty appearable work and the proof of the proof of repty appearable work and the proof of repty will be proofed above the monitoring and appearable work and the proof of repty appearable work and the proofed and the proofed to repty will be proofed to be proofed to repty will be proofed to repty will be proofed to be proofed to the proofed to repty will be proofed to be proofed to proofed to repty will be proofed to the proofed to proofed to proofed to proofed to repty will be proofed to	Period fo	- The MAILING DATE of this communication app r Reply	ears on the cover sheet w	ith the correspondence addres	is			
This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.	- Extens after S - If the p - If NO p - Failure Any re	Sions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Deriod for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, ply received by the Office later than three months after the mailing	36(a). In no event, however, may a note within the statutory minimum of thir will apply and will expire SIX (6) MON	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this commun	nication.			
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 2.3.6-8 and 15-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 2.3.6-8 and 17-20 is/are allowed. 6) Claim(s) 15.16 and 21 is/are rejected. 7) Claim(s) is/are objected to. 3) Ctaim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not roquest that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Status							
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 2.3.6-8 and 15-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 2.3.6-8 and 17-20 is/are allowed. 6) Claim(s) 15.16 and 21 is/are rejected. 7) Claim(s) is/are objected to. 3) Ctaim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not roquest that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	1) 🗌 🛭	Responsive to communication(s) filed on						
3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 2.3.6-8 and 15-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 2.3.6-8 and 17-20 is/are allowed. 6) Claim(s) 15.16 and 21 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.								
Disposition of Claims 4)				ers prosecution as to the mor	cito io			
Application of Claims 4) Claim(s) 2,3,6-8 and 15-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 2,3,6-8 and 17-20 is/are allowed. 6) Claim(s) 15,16 and 21 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) Ali b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	C	losed in accordance with the practice under E	x parte Quayle, 1935 C.D	. 11, 453 O.G. 213	112 12			
4) ☐ Claim(s) 2.3.6-8 and 15-21 is/are pending in the application. 4a) Of the above claim(s)				, , , , , , , , , , , , , , , , , , , ,				
4a) Of the above claim(s) is/are withdrawn from consideration. 5]								
Solic Claim(s) 2.3.6-8 and 17-20 is/are allowed. Solic Claim(s) 15.16 and 21 is/are rejected. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 is/are rejected to by the Examiner. Solic Claim(s) 15.16 and 21 i	4)[+) Claim(s) <u>2,3,6-8 and 15-21</u> is/are pending in the application.						
6) Claim(s) 15.16 and 21 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) cacepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some colon None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Notice of References Cited (PTO-892)	5)⊠ C	laim(s) 2 3 6-8 and 17 20 in/org allowed	in from consideration.					
7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to pare subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Notice of References Cited (PTO-892)								
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.								
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **Itachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-152)		· · · · · · · · · · · · · · · · · · ·	election requirement					
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on			election requirement.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. ttachment(s) Notice of References Cited (PTO-892) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-152)	Application	າ Papers						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. ttachment(s) Notice of References Cited (PTO-892) Notice of Parls Person Selection (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-152)								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. ttachment(s) Notice of References Cited (PTO-892) Notice of Parls Person Selection (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-152)	10)∐ Tr	ie drawing(s) filed on is/are: a) accer	oted or b) objected to b	y the Examiner.				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some colonic None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. Notice of Informal Patent Application (PTO-152)	А	pplicant may not request that any objection to the dr	rawing(s) be held in abeyand	ce. See 37 CFR 1,85(a).				
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date.	R	eplacement drawing sheet(s) including the correctio	n is required if the drawing(s	s) is objected to. See 37 CFR 1 1	21(d).			
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Notice of References Cited (PTO-892)	11)[_] Th	e oath or declaration is objected to by the Exa	miner. Note the attached	Office Action or form PTO-15:	2.			
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Notice of References Cited (PTO-892)								
2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. * See the attached detailed Office action for a list of the certified copies not received. * Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	12) 🗌 Ac	knowledgment is made of a claim for foreign p	riority under 35 U.S.C. §	119(a)-(d) or (f).				
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. ttachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Pager No(s)/Mail Date. Solution of Informal Patent Application (PTO-152)	1.	Certified copies of the priority documents !	have been received.					
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. ttachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Pager No(s)/Mail Date. Solution of Informal Patent Application (PTO-152)	2.	Certified copies of the priority documents !	have been received in Ap	plication No.				
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. ** ** ** ** ** ** ** ** **	3.	Copies of the certified copies of the priority	y documents have been r	eceived in this National Stage	;			
Atachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. Notice of Informal Patent Application (PTO-152)		application from the International Bureau (PCT Rule 17.2(a)).					
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. Notice of Informal Patent Application (PTO-152)	[*] See	the attached detailed Office action for a list of	the certified copies not re	eceived.				
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. Notice of Informal Patent Application (PTO-152)	sttachment(s)							
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152)			∧ □					
Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)) 🔲 Notice of	Draftsperson's Patent Drawing Review (PTO-948)	4) L Interview Sui Paper No(s)/	mmary (PTO-413) Mail Date				
Patent and Trademark Office) [_] Informati Paper No	on Disclosure Statement(s) (PTO-1449 or PTO/SB/08) o(s)/Mail Date	5) Notice of Info	ormal Patent Application (PTO-152)				

Application/Control Number: 10/038,766

Art Unit: 1734

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuntze et al. (US Patent No. 6,620,276 B1).

Kuntze discloses an apparatus for applying discrete parts onto a substrate web, the apparatus includes a transfer assembly (60) configured to rotate about an axis and which includes an outer surface configured to engage the discrete parts, and a web conveyor having an outer surface adapted to support and advance a substrate web, with the outer surface of the web conveyor including at least one recessed portion having a bottom surface capable of accommodating the discrete parts. (See Figures 2 & 4.)

Application/Control Number: 10/038,766

Art Unit: 1734

Regarding claim 16, the web conveyor is spaced from the transfer assembly a distance less than the combined total thickness of the substrate web and the discrete part.

3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Blomqvist et al. (US Patent No. 3,847,710).

Blomqvist discloses an apparatus with a carrier body having a discrete part engaging outer surface, the outer surface including a generally convex surface and a generally convex recessed portion (3) spaced inwardly. The surface is adapted and configured to engage a discrete part having a thickness. The recessed portion having a bottom surface adapted and configured to engage the discrete part and further comprising at least one aperture (4) in the outer surface and extending through the carrier body for communication with a vacuum source. The carrier body is rotatable about an axis normal to the convex surface.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura et al. (US Patent No. 4,941,939) in view of Tomsovic, Jr. (US Patent No. 4,726,876) or Oshefsky et al. (US Patent No. 4,617,082).

Nomura discloses an apparatus for applying discrete parts onto a substrate web, the apparatus includes at least one transfer assembly configured (not detailed) which transfers the discrete parts to a web. Nomura also includes a web conveyor (1) having an outer surface adapted to support and advance a substrate web, with the outer surface of the web

Application/Control Number: 10/038,766

Art Unit: 1734

conveyor including at least one recessed portion having a bottom surface capable of accommodating at least one portion of each of the discrete parts that is relatively thicker than other portions of each of the discrete parts. (Col. 4, lines 7-54.)

Nomura does not detail a transfer assembly configured to rotate about an axis.

Nomura does suggest that particular types of this device are not critical so long as the device functions in the manner mentioned above in that it applies the substrate to the web.

A well known type of transfer member is a rotating one as seen in Tomsovic, Jr. or in Oshefsky.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a rotating transfer roll in the device of Nomura to place the discrete part on the web, because a rotating transfer roll is a well known method of transferring parts and Nomura suggests particular features of the device are not important, only that it transfers the substrate to the web.

Regarding claim 16, it is within the purview of the artisan to have the web conveyor spaced from the transfer assembly a distance less than the combined total thickness of the substrate web and the discrete part.

Response to Arguments

6. Applicant's arguments filed 07 December 2004 have been fully considered but they are not persuasive with respect to claim 21. Applicant argues that Blomqvist discloses that the carrier body is rotatable about an axis normal to the convex surface of the recessed portion. Rather, the carrier body of Blomqvist is rotated about an axis parallel to the convex surface (see Figure 1 of Blomqvist). Put another way, the rotation axis of Blomqvist is not normal, i.e. perpendicular, to any surface of the recessed portion. The examiner

Art Unit: 1734

disagrees because the edges of the recess surface are substantially normal to the axis of rotation as shown clearly in Figures 1 and 2.

Allowable Subject Matter

7. Claims 2, 3, 6-8, and 17-20 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sue A. Purvis Primary Examiner Art Unit 1734

SP

December 17, 2004